

ORIGINAL



0000079230

BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

COMMISSIONERS

2007 NOV 27 P 2:38

NOV 27 2007

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

me

IN THE MATTER OF THE APPLICATION OF
PERKINS MOUNTAIN UTILITY COMPANY FOR
A CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. SW-20379A-05-0489

IN THE MATTER OF THE APPLICATION OF
PERKINS MOUNTAIN WATER COMPANY FOR
A CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-20380A-05-0490

PROCEDURAL ORDER

BY THE COMMISSION:

On July 7, 2005, Perkins Mountain Utility Company and Perkins Mountain Water Company ("Applicants") filed with the Arizona Corporation Commission ("Commission") applications for Certificates of Convenience and Necessity ("Certificate" or "CC&N") to provide wastewater and water service to a master-planned community in Mohave County, Arizona.

Hearings were held in December, 2005, and again in February and March, 2007, and Briefs were filed in this matter. A number of late-filed documents have also been submitted in the docket since that time.

On July 3, 2007, Commissioner Mundell filed a letter requesting that the record be re-opened and that Mr. Jim Rhodes, and perhaps other persons associated with the Applicants, be required to appear and give sworn testimony with respect to recent news stories regarding alleged payments by Mr. Rhodes to former Clark County, Nevada Commissioner Erin Kenny.

On July 5, 2007, Commissioner Mayes filed a letter concurring with Commissioner Mundell's request to conduct additional hearings regarding the alleged payments to Ms. Kenny.

On July 18, 2007, a Procedural Order was issued directing the Applicants to file a response to the request to re-open the record.

On July 23, 2007, the Applicants filed a Response to the Request to Re-Open the Record.

1 By Procedural Order issued July 30, 2007, the record in this proceeding was re-opened to take
2 additional testimony and evidence, and a procedural conference was scheduled for August 3, 2007.

3 On August 1, 2007, the Applicants filed a Motion for Reconsideration or in the Alternative for
4 Temporary Stay of Proceedings.

5 The procedural conference was held, as scheduled, on August 3, 2007. At the conclusion of
6 the procedural conference, the Applicants were granted a temporary stay for 90 days and directed to
7 file a pleading by November 2, 2007, indicating the Applicants' intent regarding the pending
8 applications.

9 On November 2, 2007, the Applicants filed a Request for 30-Day Continuance of Temporary
10 Stay of Proceedings. The Applicants indicated that they are working to finalize an alternative plan to
11 present to the Commission.

12 To date, no opposition to the Applicants' request for a continuance has been filed.

13 IT IS THEREFORE ORDERED that the Applicants' Request for 30-Day Continuance of
14 Temporary Stay of Proceedings is hereby granted. **The Applicants shall file, by no later than**
15 **December 3, 2007, a pleading describing the Applicants' intent to pursue the pending**
16 **applications and an indication of when the Applicants would be prepared to resume the hearing**
17 **in this matter.**

18 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
19 Communications) continues to apply to this proceeding and shall remain in effect until the
20 Commission's Decision in this matter is final and non-appealable.

21 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
22 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
23 hearing.

24 DATED this 27th day of November, 2007.

25
26 
27 _____
28 DWIGHT D. NODES
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
this 27th day of August, 2007 to:

Jeffrey W. Crockett
SNELL & WILMER, LLP
One Arizona Center
400 East Van Buren Street
Phoenix, AZ 85004-2202

Booker T. Evans
Kimberly A. Warshawsky
GREENBERG TRAURIG, LLP
2375 East Camelback Road, Suite 700
Phoenix, AZ 85016
Attorneys for Sports Entertainment, LLC

Scott Fisher
SPORTS ENTERTAINMENT
808 Buchanan Blvd., Suite 115-303
Boulder City, NV 89005

Christopher Kempley, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Street, Suite 502
Phoenix, AZ 85004-1481

By:


Debra Broyles
Secretary to Dwight Nodes